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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,837	03/08/2004	Gary A. Isaacson JR.	004-04	2486

7590 12/15/2004  
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EXAMINER

CHIN, PAUL T

ART UNIT PAPER NUMBER

3652

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/796,837	Applicant(s) ISAACSON, GARY A.	
	Examiner PAUL T. CHIN	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2004.
- 2a) ☐ This action is FINAL.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "cushioning means affixed to the bottom strap" (Claim 5) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3652

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1,3,4, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Samuelsson (4,571,758).

Samuelsson (4,571,758) discloses a lifting and transport strap assembly for lifting and transporting an object or article comprising

(a) a main strap assembly (61) for circumscribing at least a portion of the bulky article, said main strap assembly including a generally yieldably deformable main strap having spaced semicircular shaped, apart extremities;

(b) gripping means (Fig. 6) affixed to said spaced apart extremities of said main strap for gripping said main strap assembly,

(c) first and second spaced apart side straps (62) connected to said main strap for engaging the sides of the bulky article, each said first and an upper end portion and a lower end second side strap having portion; and

(d) a bottom strap (Fig. 6) spanning said first and second spaced apart side straps for engaging the bottom of the bulky article, said bottom strap being connected to said side straps proximate said lower end portions thereof.

Re claims 3 and 4, first adjustment means for adjusting the length of the strap and second adjustment means for adjusting the length of the side strap (Fig. 6).

Re claim 6, the gripping means includes substantially D-shaped gripping rings.

5. Claims 1,5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Turpin (3,351,959).

Art Unit: 3652

Turpin (3,351,959) discloses a lifting and transport strap assembly for lifting and transporting an object or article comprising

(a) a main strap assembly (27) for circumscribing at least a portion of the bulky article, said main strap assembly including a generally yieldably deformable main strap having spaced semicircular shaped, apart extremities;

(b) gripping means (13,24) (Figs. 1 and 2) affixed to said spaced apart extremities of said main strap for gripping said main strap assembly,

(c) first and second spaced apart side straps (16) connected to said main strap for engaging the sides of the bulky article, each said first and an upper end portion and a lower end second side strap having portion; and

(d) a bottom strap (Figs. 1 and 2) spanning said first and second spaced apart side straps for engaging the bottom of the bulky article, said bottom strap being connected to said side straps proximate said lower end portions thereof.

Re claim 5, cushioning means (25,26) is shown in the figures.

Re claim 6, the gripping means includes substantially D-shaped gripping rings (17) providing substantially adjustment.

6. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Kalthoff (2,663,031).

Kalthoff (2,663,031) discloses a lifting and transport strap assembly for lifting and transporting an object or article comprising

(a) a main strap assembly (70) for circumscribing at least a portion of the bulky article, said main strap assembly including a generally yieldably deformable main strap having spaced semicircular shaped, apart extremities;

Art Unit: 3652

(b) gripping means affixed to said spaced apart extremities of said main strap for gripping said main strap assembly,

(c) first and second spaced apart side straps (58,72) connected to said main strap for engaging the sides of the bulky article, each said first and an upper end portion and a lower end second side strap having portion; and

(d) a bottom strap (63) (Fig. 1) spanning said first and second spaced apart side straps for engaging the bottom of the bulky article, said bottom strap being connected to said side straps proximate said lower end portions thereof.

Re claim 4, second adjustment means (62) for adjusting the length of the side strap (Fig. 1).

7. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Oehrman (869,325).

Oehrman (869,325) discloses a lifting and transport strap assembly for lifting and transporting an object or article comprising

(a) a main strap assembly (c) for circumscribing at least a portion of the bulky article, said main strap assembly including a generally yieldably deformable main strap having spaced semicircular shaped, apart extremities;

(b) gripping means (d) affixed to said spaced apart extremities of said main strap for gripping said main strap assembly,

(c) first and second spaced apart side straps (a) connected to said main strap for engaging the sides of the bulky article, each said first and an upper end portion and a lower end second side strap having portion; and

Art Unit: 3652

(d) a bottom strap spanning said first and second spaced apart side straps for engaging the bottom of the bulky article, said bottom strap being connected to said side straps proximate said lower end portions thereof.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2,5, and 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Samuelsson (4,571,758) in view of Goldman (6,311,346).

Samuelsson (4,571,758), as presented in section 4 above, does not show a generally semicircular shaped and deformable rubber cushioning inner component and a generally semicircular-shaped plastic component. However, Goldman (6,311,346) discloses show a generally semicircular shaped and deformable cushioning inner component (200) (Col 2, lines 57-63) and a rubber foam (Col 2, lines 39-43) attached to a strap (10).

Accordingly, it would have been obvious design choice to provide a generally semicircular shaped and deformable cushioning inner component and a rubber foam on the strap of Samuelsson (4,571,758) as taught by Goldman (6,311,346) to provide a comfort to the lifted person. It also would have been obvious design choice to provide a generally semicircular shaped and deformable cushioning inner component on the bottom strap to provide a comfort to the lifted person.

10. Claims 7 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turpin (3,351,959) in view of Goldman (6,311,346).

Turpin (3,351,959), as presented in section 5 above, does not show a generally semicircular shaped and deformable rubber cushioning inner component and a generally semicircular-shaped plastic component. However, Goldman (6,311,346) discloses show a generally semicircular shaped and deformable cushioning inner component (200) (Col 2, lines 57-63) and a rubber foam (Col 2, lines 39-43) attached to a strap (27).

Accordingly, it would have been obvious design choice to provide a generally semicircular shaped and deformable cushioning inner component and a rubber foam on the strap of Turpin (3,351,959) as taught by Goldman (6,311,346) to provide a comfort to the lifted person. It also would have been obvious design choice to provide a generally semicircular shaped and deformable cushioning inner component on the bottom strap to provide a comfort to the lifted person.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (703) 305-1524. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on (703) 308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Art Unit: 3652

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Paul T. Chin", with a stylized flourish at the end.

PAUL T. CHIN  
Examiner  
Art Unit 3652